IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 16410 of 2005
Date of decision November 21, 2006

Jagdish Chander

.....Petitioner

Versus

Housing Board Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL AND
HON'BLE MR.JUSTICE H.S.BHALLA.

Present:- Sh. O.P.S. Tanwar, Advocate
for the petitioner.

Sh. Brijesh Aggarwal, Advocate
for respondent Nos.1 to 4.

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The petitioner has challenged the order dated August 31, 2005 (Annexure P-8) passed by the Chief Revenue Officer-A, Housing Board, Haryana-respondent No.3 whereby the application of the petitioner for registration of EWS-1/EWS-II Ground floor, Sector 52 under HGE category, Gurgaon has been rejected on the ground that he was not eligible for the aforesaid category.

In the written statement filed by the respondents, the claim of the petitioner has been contested.

As a preliminary objection, it has been maintained by the respondents that a draw of lots of the plots had been held on September 9, 2005 and the registration amount of Rs.17,500/- was returned to the petitioner on September 22, 2005 through a cheque and the petitioner had withdrawn the aforesaid amount.

Without going into the merits of the claim made by the petitioner and also without commenting upon the various pleas raised by the respondents, we find that since the draw of lots had already been held on September 9, 2005 whereas the present writ petition was filed by the petitioner on September 30, 2005 and had come up for motion hearing on October 7, 2005, the petitioner cannot claim any relief in the present petition.

The present petition is disposed of as having been rendered infructuous.

However, we have no doubts that in case any new scheme is floated by the Housing Board Haryana-respondent No.1 in future and the petitioner so applies for registration under the scheme, the name of the petitioner shall be considered in accordance with law.

(VINEY MITTAL)
JUDGE

(H.S.BHALLA)
JUDGE

November 21, 2006
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